



DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the INVENTION ENTITLED **Dynamic Assignment of Traffic Classes To A Priority Queue In A Packet Forwarding Device**, the specification of which was filed on December 22, 2000, under U.S. Patent Application Serial No., 09/747,296.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. 1.56. I hereby claim foreign priority benefits under 35 U.S.C. 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate filed by me or my assignee disclosing the subject matter claimed in this application and having a filing date (1) before that of the application on which priority is claimed, or (2) if no priority claimed, before the filing date of this application:

| PRIOR FOREIGN APPLICATION(S): |         |                      | Date first Laid-   | Date Patented | Priority Claimed?  |
|-------------------------------|---------|----------------------|--------------------|---------------|--|
| Number                        | Country | Day/MONTH/Year Filed | open or Published: | or Granted:   | Yes <input type="checkbox"/> No <input type="checkbox"/> |

I hereby claim domestic priority benefit under 35 U.S.C. 119/120/365 of the indicated United States applications listed below and PCT international applications listed above or below and, if this is a continuation-in-part (CIP) application, insofar as the subject matter disclosed and claimed in this application is in addition to that disclosed in such prior applications, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of each such prior application and the national or PCT international filing date of this application:

| PRIOR U.S. PROVISIONAL, NONPROVISIONAL AND/OR PCT APPLICATIONS |                       | Status                         | Priority Claimed?   |
|--|-----------------------|--------------------------------|---|
| Application No.:   | Day/MONTH/Year Filed: | (pending, abandoned, patented) | Yes <input type="checkbox"/> No <input type="checkbox"/>            |
| 60/226,787   | 21 / August / 2000    | Pending                        | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And I hereby appoint Pillsbury Winthrop LLP, 1100 New York Avenue, N.W., Ninth Floor, East Tower, Washington, D.C. 20005-3918, tel. (650) 233-4777 (to whom all communications are to be directed), and the below-named persons (of the same address) individually and collectively my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent, and I hereby authorize them to delete names of persons no longer with their firm and to act and rely on instructions from and communicate directly with the assignee which first sent this case to them and by which I hereby declare that I have consented after full disclosure to be represented, unless/until I instruct the above Firm in writing to the contrary.

|                   |       |                    |       |                      |       |                   |       |
|-------------------|-------|--------------------|-------|----------------------|-------|-------------------|-------|
| Paul N. Kokulis   | 16773 | Kendrew H. Colton  | 30368 | Roger R. Wise        | 31204 | Anthony L. Miele  | 34393 |
| G. Lloyd Knight   | 17698 | G. Paul Edgell     | 24238 | Michael R. Dzwonczyk | 36787 | Robert J. Walters | 40862 |
| Kevin E. Joyce    | 20508 | Lynn E. Eccleston  | 35861 | Jack S. Barufka      | 37087 | Brian J. Beatus   | 38825 |
| George M. Sirilla | 18221 | David A. Jakopin   | 32995 | Adam R. Hess         | 41835 | John Jobe         | 28429 |
| Donald J. Bird    | 25323 | Mark G. Paulson    | 30793 | William P. Atkins    | 38821 | Mark C. Pickering | 36239 |
| Dale S. Lazar     | 28872 | Stephen C. Glazier | 31361 | Paul L. Sharer       | 36004 | David H. Jaffer   | 32243 |
| Glenn J. Perry    | 28458 | Richard H. Zaitlen | 27248 | Robin L. Teskin      | 35030 |                   |       |

INVENTOR'S SIGNATURE: \_\_\_\_\_

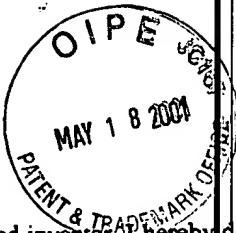
a. Name: **Tal I. LAVIAN**  
Residence (City): **Sunnyvale, California**  
Post Office Address: **1351 Zurich Terrace**  
**Sunnyvale, CA 94087**

Date: **5/9/01**  
Country of Citizenship: **Israel**

INVENTOR'S SIGNATURE: \_\_\_\_\_

b.. Name: **Stephen LAU**  
Residence (City): **Milpitas, California**  
Post Office Address: **982 Sandalridge Court**  
**Milpitas, CA 95035**

Date: \_\_\_\_\_  
Country of Citizenship: **United States**



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PRIOR FOREIGN APPLICATION(S):  
Number Country Day/MONTH/Year Filed

Date first Laid-open or Published:

Date Patented or Granted:

Priority Claimed?  
Yes ☐ No ☐

I hereby claim domestic priority benefit under 35 U.S.C. 119/120/365 of the indicated United States applications listed below and PCT international applications listed above or below and, if this is a continuation-in-part (CIP) application, insofar as the subject matter disclosed and claimed in this application is in addition to that disclosed in such prior applications, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of each such prior application and the national or PCT international filing date of this application:

PRIOR U.S. PROVISIONAL, NONPROVISIONAL AND/OR PCT APPLICATIONS

Application No.: Day/MONTH/Year Filed:  
60/226,787 21 / August / 2000

Status  
(pending, abandoned, patented)  
Pending

Priority Claimed?  
Yes ☒ No ☐

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And I hereby appoint Pillsbury Winthrop LLP, 1100 New York Avenue, N.W., Ninth Floor, East Tower, Washington, D.C. 20005-3918, tel. (650) 233-4777 (to whom all communications are to be directed), and the below-named persons (of the same address) individually and collectively my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent, and I hereby authorize them to delete names of persons no longer with their firm and to act and rely on instructions from and communicate directly with the assignee which first sent this case to them and by which I hereby declare that I have consented after full disclosure to be represented, unless/until I instruct the above Firm in writing to the contrary.

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| Glenn J. Perry    | 28458 | Richard H. Zaitlen | 27248 | Robin L. Teskin      | 35030 |                   |       |

INVENTOR'S SIGNATURE:

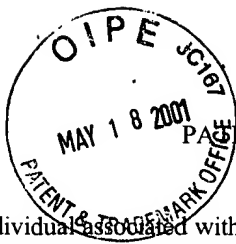
a. Name: Tal I. LAVIAN  
Residence (City): Sunnyvale, California  
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INVENTOR'S SIGNATURE:

b.. Name: Stephen LAU  
Residence (City): Milpitas, California  
Post Office Address: 982 Sandalridge Court  
Milpitas, CA 95035

Date May 10, 2001  
Country of Citizenship: United States



**Rule 56(a) & (b) = 37 C.F.R. 1.56(a) & (b)**

**PATENT AND TRADEMARK CASES - RULES OF PRACTICE  
DUTY OF DISCLOSURE**

- (a) ... Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the [Patent and Trademark] Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability... (b) information is material to patentability when it is not cumulative and (1) It also establishes by itself, or in combination with other information, a prima facie case of unpatentability of a claim or (2) refers, or is inconsistent with, a position the applicant takes in: (i) Opposing an argument of unpatentability relied on by the Office, or (ii) Asserting an argument of patentability.

**PATENT LAWS 35 U.S.C.**

**§102. Conditions for patentability; novelty and loss of right to patent**

A person shall be entitled to a patent unless--

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent or
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or
- (c) he has abandoned the invention, or
- (d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months\* before the filing of the application in the United States, or
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent, or
- (f) he did not himself invent the subject matter sought to be patented, or
- (g) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

**§103. Condition for patentability; non-obvious subject matter**

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made. Subject matter developed by another person, which qualified as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

\* Six months for Design Applications (35 U.S.C. 172).